

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**PATRICK W. DEVLIN
PLAINTIFF,**

VS.

**INTEGRITY FINANCIAL PARTNERS,
INC.
DEFENDANT**

)
) **CIVIL ACTION NO.:**
) **4:09-cv-1988**
)
)
)

JURY TRIAL DEMANDED

) **UNLAWFUL DEBT COLLECTION**
) **PRACTICES**
)
)

COMPLAINT

I. INTRODUCTION

1. Plaintiff Patrick W. Devlin states that Defendant engaged in abusive, deceptive, and unfair acts in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (hereinafter "FDCPA"). Specifically, Defendant, through the actions of its employees, left a series of messages on Plaintiff's residential phone voice message system in an effort to collect on a debt owed to another entity. The messages did not give the required disclosure regarding Defendant's status as a debt collector nor did they provide meaningful disclosure of the Defendant's identity. In addition, Defendant made an impermissible third party contact regarding this debt with Plaintiff's mother in its efforts to collect on this debt.

II. JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), and 28 U.S.C. § 1337 and diversity of citizenship. Venue in this District is proper in that the Defendant transacted business here and the conduct complained of occurred here.

III. PARTIES

3. Plaintiff is a natural person residing in the County of St. Louis, State of Missouri.

4. Defendant Integrity Financial Partners, Inc. (hereinafter referred to as "IFP") is a corporation organized pursuant to the laws of the State of Kansas, doing business in the State of Missouri. IFP's Registered Agent in the State of Missouri is CSC Lawyers Incorporating Service Company, 221 Bolivar Street, Jefferson City, MO 65101.

5. Defendant is engaged in the collection of debts from consumers using the mail, facsimile transmission and telephone. Defendant regularly attempts to collect consumer debts it purchases after default and/or consumer debts alleged to be due to another. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

6. The acts of Defendant alleged hereinafter were performed by its employees acting within the scope of their employment with Defendant, and with its actual or apparent authority.

IV. FACTUAL ALLEGATIONS

7. Defendant left a series of phone messages on Plaintiff's residential voice message system during the period of time spanning from October 1, 2009 through November 23, 2009 in an effort to collect on a debt which was allegedly originally owed to another entity not a party to this litigation. The alleged obligation is a consumer debt as defined in 15 U.S.C. § 1692a(5).

8. Each call was received by Plaintiff on his residential phone which bears the following number: (314) 962-4993. In each message, Defendant's employees failed to advise Plaintiff that the call was coming from Integrity Financial Partners, Inc. and also failed to disclose that Integrity Financial Partners, Inc. was a debt collector attempting to collect a debt. Plaintiff has retained and preserved the recorded phone messages.

9. On October 8, 2009, Defendant contacted Plaintiff's mother, Joyce Devlin, in its efforts to collect on the debt. Defendant was already in possession of Plaintiff's phone number and home address at that time, and was not in need of Plaintiff's location information. Defendant also left a phone number with Joyce Devlin and requested that Plaintiff return the call. The comments made to Joyce Devlin led her to conclude that the call was made in an effort to collect a debt.

VIOLATIONS OF THE FDCPA

10. Plaintiff incorporates herein by reference each and every prior allegation and fact as though fully restated and re-alleged.

11. Defendant's actions violated the FDCPA. The violations include, but are not limited to, the following:

(a) Defendant violated 15 U.S.C. § 1692e(11) when it left prerecorded messages on Plaintiff's residential phone line which failed to indicate that the communication was from a debt collector;

(b) Defendant violated 15 U.S.C. § 1692d(6) when it left prerecorded messages on Plaintiff's residential phone line which failed to provide meaningful disclosure of Defendant's identity;

(c) By contacting third parties without Plaintiff's prior consent, in violation of 15 U.S.C. §1692c;

(d) By impermissibly seeking location information, and in the course of doing so, contacting Plaintiff's employer in violation of 15 U.S.C. §1692b(3); and

(e) Defendant's actions were unfair and unconscionable means to collect the debt in violation of 15 U.S.C. § 1692f.

12. As a result of the above violations of the FDCPA, the Defendant is liable to the Plaintiff for actual damages, statutory damages, and costs and attorney's fees.

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Statutory damages pursuant to 15 U.S.C. § 1692k;
- B. Actual damages;
- C. Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k;
- D. For such other and further relief as may be just and proper.

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

/s/ Patrick W. Devlin

Patrick W. Devlin

Respectfully submitted,

THE SWANEY LAW FIRM

/s/ Robert T. Healey

Robert T. Healey
EDMO # 3356; Missouri Bar #34138
Attorney at Law
3460 Hampton, Suite 205
St. Louis, MO 63139
rhealey@swaneylawfirm.com
telephone: (314) 481-7778
fax: (314) 481-8479